

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 13-50A

**Date Received:** 3/12/2013

**Title:** Biobased Products and Recovered or Recycled Materials

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**Name:** Tim Eckert

**Phone:** (202) 267-7527

**Policy OR Guidance:** Guidance

**Section/Text Location Affected:** T3.6.3A.7

**Summary of Change:** Revision of guidance for administrative reasons and consistency with environmental Executive Orders 13423 and 13514

**Reason for Change:** Consistency with Executive Orders 13423 and 13514

**Development, Review, and/or Concurrence:** Office of Environment and Energy (AEE-400), Acquisition Policy Division, Procurement Legal, and Contracting Organizations at HQ, Centers, and Service Areas

**Target Audience:** Contracting workforce and program offices

**Potential Links within FAST for the Change:** Noen

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** Noen

**Links for New/Modified Forms (or) Documents (LINK 1)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 2)** [null](#)

**Links for New/Modified Forms (or) Documents (LINK 3)** [null](#)

## SECTIONS EDITED:

### Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace*

*Environment, Conservation, Occupational Safety, and Drug Free Workplace*

**Section 7 : Preference for Recycled Content and Biobased Products** [\[Old Content\]](#) [\[New Content\]](#) [\[RedLine Content\]](#)

## SECTIONS EDITED:

### **Section 7 : Preference for Recycled Content and Biobased Products**

**Old Content:** Procurement Guidance:

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace*  
*Environment, Conservation, Occupational Safety, and Drug Free Workplace*

**Section 7 : Preference for Recycled Content and Biobased Products**

a. In accordance with Executive Order (E.O.) 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” FAA procurements of EPA-designated recycled content products will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA’s GPP is based on EPA’s Comprehensive Procurement Guidelines (CPG) designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, or are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA’s recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA’s CPG website. The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. See a U.S. Department of Agriculture (USDA) listing of biobased products.

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA's APP provides information and guidance on purchasing and using environmentally preferable products and services. See FAA's "Environmental Substitution Guide" that describes products that are either non-hazardous or have favorable environmental, safety, and health properties **(FAA only)**.

c. *Recycled Content Determination or Justification for Exemption.*

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(a) Printing and Writing Paper: FAA promotes complying with the minimum content standards stated in E.O. 13423 when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

(i) 30 percent post-consumer fiber;

(ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably priced.

(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

(i) Are not available competitively;

(ii) Are not available within a reasonable time frame;

(iii) Do not meet reasonable performance standards; or

(iv) Are only available at an unreasonable price.

Written justification is not required for purchases below the threshold level of \$10,000.

(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix

- 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. *Recycled Content CPG Items.*

The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$10,000.

e. *Federal Supply Sources for EPA-Designated Products.*

(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), the Defense Supply Center Richmond, and Ability One Program are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with APP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

f. *Contractors Use of EPA-Designated Products.*

(1) The requirement to buy recycled content items applies to contractors when they are purchasing or supplying EPA-Designated products for use in the performance of a contract. The contractor is required to monitor and report on its APP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's GPP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include APP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable GPP requirements contained in their contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the procurement of recycled content products. COs may, at any time, when appropriate, emphasize to contractors the importance and requirements of E.O. 13423.

g. *Life-Cycle Cost Analysis.*

FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational

cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

*h. Specification Review/Revision.*

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of recycled content products. Standards or specifications unrelated to performance or presenting barriers to procuring recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for recovered materials to the maximum extent practicable, and allow for the purchase of products containing recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds EPA's recycled content recommendations.

*i. Promotion Program.*

FAA is responsible for actively promoting its preference for recycled content products. This includes making recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure recycled content products, and providing FAA employees and contractors with information on sources of recycled products. FAA should internally and externally promote its desire to buy recycled products by:

(1) Including explicit recovered materials preference standards for EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

*j. Vendor Procedures.*

(1) *Certification.*

COs should ensure that vendors provide written certification that their products meet the minimum content standards in the SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) *Verification.*

FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with E.O. 13423.

k. *Annual Review and Monitoring.*

FAA should take the following actions to track its procurement of EPA-designated recycled content products:

(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each EPA-designated recycled content product that it purchases.

(2) Assess its progress in achieving FAA goal of purchasing 100 percent recycled content products.

(3) Determine whether recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.

(4) Determine whether recycled content products are not being purchased due to price, performance, or availability constraints.

(5) Work with vendors and the EPA to identify products that meet FAA's needs whenever performance is the constraint.

(6) Increase its promotion program and work with the EPA to identify sources whenever availability is the constraint.

l. *Annual Reports.*

(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:

(a) To increase the procurement of products made from recovered materials;

(b) For solid waste prevention and recycling or for solid waste diversion; and

(c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of EPA-Designated items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of recycled content and environmentally preferable products.

**New Content: Procurement Guidance:**

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace  
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

**Section 7 : Preference for Recycled Content and Biobased Products**

a. According to Executive Orders 13423 and 13514, FAA procurements of designated recycled content products in EPA's Comprehensive Procurement Guidelines (CPG) will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA's Green Procurement Plan (GPP) (see Appendix 2) is based on EPA's CPG designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, and are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from [EPA's CPG website](#). The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. Contracting Officers should refer to the U.S. Department of Agriculture (USDA) listing of biobased products on the [USDA biopreferred website](#) when purchasing products that contain biobased material or services that could contain products that contain biobased material.

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA's GPP provides information and guidance on purchasing and using environmentally preferable products and services.

c. *Recycled Content Determination or Justification for Exemption.*

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA's minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA's preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA's Federal Supply Service or other established Federal supply sources.

(a) *Printing and Writing Paper:* FAA promotes complying with the minimum content standards stated in Executive Orders 13423 and 13514 when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

- (i) 30 percent post-consumer fiber;
- (ii) 20 percent post-consumer fiber, if papers containing 30 percent post-consumer fibers are not reasonably priced.

(2) *Justification for Not Buying EPA-Designated Recycled Content Products.*

(a) FAA justifications not to buy recycled content products are to be in writing, and may conclude that recycled content products:

- (i) Are not available competitively;
- (ii) Are not available within a reasonable time frame;
- (iii) Do not meet reasonable performance standards; or
- (iv) Are only available at an unreasonable price.

Written justification is not required for purchases below the threshold level of \$10,000.

(b) The procurement originator and/or CO, as appropriate, are to document the decision not to buy recycled content products. The original copy of the documentation becomes part of the original contract file (see Sample in Appendix 2). The procurement originator is responsible for submitting a copy of the form to the responsible program manager.

d. *Recycled Content CPG Items.* The requirement to purchase recycled-content CPG items applies to all purchases, including those purchases falling under the defined threshold level or

made using a purchase card and/or credit card checks. FAA is to provide training and education to its acquisition personnel procuring recycled content products under the defined threshold level, \$10,000.

*e. Federal Supply Sources for EPA-Designated Products.*

(1) Established Federal supply sources, such as the SAVES Program, General Services Administration (GSA), Advantage, Government Printing Office (GPO), the Defense Supply Center Richmond, and Ability One Program are competitive sources for EPA-designated items and other recycled content products.

(2) These sources also provide an additional service through independent estimation, certification, and verification of EPA-designated items containing recovered materials, thereby reducing overhead costs for procurement originators to track and monitor vendor compliance with GPP requirements. Information on Federal supply sources of recycled content and environmentally preferable products is contained in Sample Appendix 5.

*f. Contractors Use of EPA-Designated Products.*

(1) The requirement to buy recycled content items applies to contractors when they are purchasing or supplying EPA-designated products for use in the performance of a contract. The contractor is required to monitor and report on its GPP-related procurement activities as well as require its applicable sub-contractors to comply with FAA's GPP. It is the responsibility of FAA to ensure that appropriate new and existing contracts are revised to include GPP compliance provisions.

(2) Because FAA's contractors may procure a majority of the products regulated by EPA's guidelines, FAA COs should ensure that such contractors are familiar with all applicable GPP requirements contained in their contracts with FAA. During initial contract execution, the COs should brief contractors on their role in the procurement of recycled content products. COs may, at any time, when appropriate, emphasize to contractors the importance and requirements of Executive Orders 13423 and 13514.

*g. Life-Cycle Cost Analysis.* FAA is required to use life-cycle cost analysis, wherever feasible and appropriate, to assist in selecting products and services. Whenever possible, cost should be calculated over the life of the item, not just the initial, up-front cost. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc. should be considered in the analysis. A product having a higher initial cost may have lower operational cost or a higher resale value and will, therefore, prove to be a better value and more cost-effective compared to the alternatives.

*h. Specification Review/Revision.*

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of biobased and recycled content products. Standards or

specifications unrelated to performance or presenting barriers to procuring biobased and recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for biobased and recovered materials to the maximum extent practicable, and allow for the purchase of products containing biobased and recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider biobased and recovered materials and environmentally preferable purchasing criteria.

(3) When converting to Commercial Item Descriptions (CID) during procurement actions, FAA employees and contractor personnel should ensure environmental factors have been considered and the CID meets or exceeds USDA's biobased and EPA's recycled content recommendations.

i. *Promotion Program.* FAA is responsible for actively promoting its preference for biobased and recycled content products. This includes making biobased and recycled content product suppliers aware of FAA's preference program, educating program and procurement offices about requirements to procure biobased and recycled content products, and providing FAA employees and contractors with information on sources of biobased and recycled products. FAA should internally and externally promote its desire to buy biobased and recycled products by:

(1) Including explicit biobased and recovered materials preference standards for USDA-designated biobased products and EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

(2) Providing informational materials, statements, and training to program and procurement offices regarding the agency's biobased and recovered materials preference program through internal documents, newsletters, and at appropriate conferences, workshops, and meetings.

j. *Vendor Procedures.*

(1) *Certification.* COs should ensure that vendors provide written certification that their products meet the minimum content standards in the SIR documents, maintain copies of the certification documents, and produce copies of the written certification upon request by FAA.

(2) *Verification.* FAA will periodically review vendor certification documents as part of the annual review and monitoring process. Such reviews should enable FAA to verify the contractor's compliance with Executive Orders 13423 and 13514.

k. *Annual Review and Monitoring.* FAA should take the following actions to track its procurement of USDA-designated biobased products and EPA-designated recycled content products:

(1) Review available data on purchases from central supply sources, purchases using the government purchase card, and purchases by contractors in the performance of their contracts for each USDA-designated biobased product and EPA-designated recycled content product that it purchases.

(2) Assess its progress in achieving FAA goal of ensuring that 95 percent of applicable new contract actions for products and services advance sustainable acquisition, including biobased and recycled content products acquisition, where such products and services meet FAA performance requirements.

(3) Determine whether biobased and recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.

(4) Determine whether biobased and recycled content products are not being purchased due to price, performance, or availability constraints.

(5) Work with vendors, USDA, and the EPA to identify products that meet FAA's needs whenever performance is the constraint.

(6) Increase its promotion program and work with the USDA and EPA to identify sources whenever availability is the constraint.

l. *Annual Reports.*

(1) FAA is encouraged to incorporate into its Government Performance Results Act annual performance plan goals:

(a) To increase the procurement of products made from biobased and recovered materials;

(b) For solid waste prevention and recycling or for solid waste diversion; and

(c) For increasing the use of environmentally preferable products and services.

(2) FAA is responsible for tracking its purchasing of USDA-designated biobased products and EPA-Designated items and reporting this information annually through DOT to the Federal Environmental Executive (FEE). FAA should also report on its compliance with requirements to review and revise specifications, product descriptions, and standards to enhance the procurement of biobased, recycled content and environmentally preferable products.

**Red Line Content: Procurement Guidance:**

*T3.6.3 Environment, Conservation, Occupational Safety, and Drug Free Workplace  
Environment, Conservation, Occupational Safety, and Drug Free Workplace*

**Section 7 : Preference for Recycled Content and Biobased Products**

a. ~~In accordance~~ **According with** ~~to~~ Executive Order (E.O.) 13423, ~~Orders~~ **#8220160**; ~~Strengthening Federal Environmental, Energy,~~ **13423** and ~~Transportation Management~~ **13514**, ~~&#8221~~ **160**; FAA procurements of ~~EPA~~-designated recycled content products **in EPA's Comprehensive Procurement Guidelines (CPG)** will meet or exceed EPA guideline standards unless there is a price, performance, or availability justification for not doing so. For biobased products, preference is given for purchasing the highest percentage of biobased products practicable.

(1) *EPA-Designated Products.* FAA's **Green Procurement Plan (GPP) (see Appendix 2)** is based on EPA's ~~Comprehensive Procurement Guidelines (CPG)~~ designations of recycled content products. FAA will give preference to procuring and using such products containing recovered materials versus products made with virgin materials when such products are available competitively within a reasonable time frame, meet reasonable performance standards, ~~or~~ **and** are available at a reasonable price. These products will be purchased containing the percentages of recovered materials (recycled content) indicated in the CPG. EPA's recommended recovered materials minimum content ranges, product specifications, and other product information can be obtained from EPA's CPG website (<http://www.epa.gov/epawaste/consERVE/tools/cpg/index.htm>). The major CPG categories are Paper and Paper Products, Vehicular Products, Construction Products, Transportation (Traffic Control) Products, Park & Recreation Products, Landscaping Products, Non-paper Office Products, and Miscellaneous Products.

(2) *Biobased Products.* In making procurement decisions, preference is given to such items composed of the highest percentage of biobased products practicable. A decision not to buy these items will be made when it is determined that the items are not available within a reasonable period of time, fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring office, or are available only at an unreasonable price. **Contracting See aOfficers should refer to the** U.S. Department of Agriculture (USDA) listing of biobased products **on the USDA biopreferred website (www.biopreferred.gov) when purchasing products that contain biobased material or services that could contain products that contain biobased material.**

(3) *Special Requirements for Refined Oil.* FAA fleets must use re-refined oil unless it is not available or does not meet performance needs. This special requirement applies to recycled content products purchased by FAA.

b. *Environmental Substitution Guide for Products.* FAA's **APPGPP** provides information and guidance on purchasing and using environmentally preferable products and services. ~~See FAA's~~

~~“Environmental Substitution Guide” that describes products that are either non-hazardous or have favorable environmental, safety, and health properties (FAA only).~~

*c. Recycled Content Determination or Justification for Exemption.*

(1) *Recycled Content Determination.* Program officials are responsible for defining product specifications utilizing FAA’s minimum content standards or preference standards when procuring EPA-designated items from outside vendors. The program official makes a written determination certifying that the statement of work/specifications for the requisition of materials/services specified complies with FAA’s preference standards for recovered materials. The completed determination becomes part of the original contract file (see Sample in Appendix 3). A determination is not required when EPA-designated items containing recovered materials are obtained through GSA’s Federal Supply Service or other established Federal supply sources.

(a) Printing and Writing Paper: FAA promotes complying with the minimum content standards stated in ~~E.O. *Executive Orders 13423 and 13514*~~ *13423* when purchasing printing and writing papers (including office paper products and support services that include the supply of written documents:

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h. *Specification Review/Revision.*

(1) FAA program offices are responsible for reviewing and revising specifications, product descriptions, and standards during the acquisition planning stage to enhance FAA's procurement of biobased and recycled content products. - Standards or specifications unrelated to performance or presenting barriers to procuring biobased and recycled content products should be revised or eliminated when reviewing or drafting procurement specifications. When revising FAA specifications, program offices should eliminate requirements for virgin materials, express preference for biobased and recovered materials to the maximum extent practicable, and allow for the purchase of products containing biobased and recovered material.

(2) When developing, reviewing, or revising Federal specifications, product descriptions (including Commercial Item Descriptions), and standards, FAA should consider biobased and recovered materials and environmentally preferable purchasing criteria.

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(1) Including explicit biobased and recovered materials preference standards for USDA-designated biobased products and EPA-designated items in appropriate SIR and contract language, specifications, drawings, plans, statements of work, and during contract negotiations; and

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- (3) Determine whether biobased and recycled content products are not being purchased due to lack of training of CO(s), purchase cardholders, and/or product specifiers; and provide training as appropriate.
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  - (a) To increase the procurement of products made from biobased and recovered materials;
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